

CAUSE NO. 2025-976-4

Paige Edmundson

APRIL OLDFIELD LEGGETT
Plaintiff,

v.

WALMART STORES, INC.
Defendant.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

170TH JUDICIAL DISTRICT

MCLENNAN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES APRIL OLDFIELD LEGGETT, hereinafter called Plaintiff, complaining of and about WALMART STORES, INC., hereinafter called Defendant, and for cause of action files this Petition and shows the Court the following:

I.

CLAIMS FOR RELIEF AND DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Discovery Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

II.

PARTIES

2. Plaintiff **APRIL OLDFIELD LEGGETT** is an individual residing in McLennan County, Texas.

3. Defendant **WAL-MART STORES, INC.** a foreign corporation authorized to do business in the State of Texas and is being served with process by serving its registered agent, CT Corporation System located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. (Citation Requested).

III.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the Defendant because Defendant is a resident of the State of Texas. Venue is proper in **McLennan County** because Defendant lives or does business in this venue. TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1).

5. Pursuant to Tex. R. Civ. P. 47 this is a cause of action that exceeds \$1,000,000.00 in damages and is within the Court's jurisdictional limits.

IV. FACTS

6. At all times material hereto, **Defendant WALMART STORES, INC.** was the owner of the premises located at 733 Sun Valley Blvd, Hewitt, Texas 76643.

7. On or about **September 4, 2023**, Plaintiff **APRIL OLDFIELD LEGGETT** was shopping at Walmart located at 733 Sun Valley Blvd, Hewitt, Texas 76643 when she slipped on water that had spilled on the floor right outside the bathroom area. The spilled water was coming from a self-dispensing water machine that fills out gallon water containers. At all material times, Defendant failed to maintain a safe premises and/or warn of any defective and dangerous conditions within. Defendant's conduct was the proximate cause of the damages and injuries complained of in this petition in which Defendant, knew or, in the exercise of ordinary care, should have known the premises were unsafe, defective, and/or hazardous.

8. At all material times, Defendant's conduct left the premises unreasonably safe, which was the proximate cause of Plaintiff's fall, and which caused Plaintiff's injuries and damages, and the need for the medical treatment she subsequently received. Plaintiff injuries and damages caused by the fall caused her physical pain, anxiety, and the need to undergo invasive procedures, which may result in pain and injuries that may be permanent in nature.

9. The occurrence made the basis of this suit, reflected above, and the resulting injuries and damages were proximately caused by the defective premise and negligent actions of

the Defendant. Defendant breached the duty of care they owed to Plaintiff and were both negligent and grossly negligent in their failure to exercise ordinary care in the safety of Plaintiff and a safe premise. Plaintiff was owed a duty to use ordinary care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises, to warn of their existence, or to perform negligent acts causing harm to the Plaintiff. Plaintiff seeks all applicable damages available under Texas law.

V.
NEGLIGENCE CAUSE OF THE DEFENDANT

10. On the occasion in question, the Defendants and their agents, servants, and employees were guilty of negligence towards the Plaintiff in the following respects:

- a. Failing to provide for the safety of Plaintiff under the knowingly dangerous circumstances;
- b. Failing to warn invitees, including the Plaintiff, that the area in question should be approached with caution;
- c. Failing to remove the dangerous condition or warn of its existence;
- d. Failing to instruct or train its agents, servants, and employees to maintain a hazard free environment;
- e. Failing to safely inspect the premises for hazardous conditions;

Each and all of the foregoing acts and or omissions were negligent and constituted negligence and were each and all the proximate cause of the incident which forms the basis of this suit, and was a proximate cause of Plaintiff's injuries and damages.

VI.
PROXIMATE CAUSE

11. Each and every, all and singular of the foregoing acts and omissions, on the part of Defendant, taken separately and/or collectively, constitutes a direct and proximate cause of the injuries and damages set forth below.

12. Each of said acts and omissions, singularly and or in any combination with others, constitutes negligence and gross negligence, which proximately caused the dangerous condition and caused Plaintiff's injuries and other losses as specifically set forth herein, all of which Plaintiff suffered and which he will continue to suffer in the future, if not for the remainder of his natural life.

VII. **DAMAGES**

13. As a direct result of the conduct of Defendant, and their employees, Plaintiff suffered severe injuries to her body, more specifically, to her ankle and back. Due to the injuries Plaintiff sustained as a result of her fall caused by Defendant, Plaintiff was forced to undergo various invasive medical procedures and has been recommended surgery. The injuries are permanent in nature. The injuries have had a serious effect on Plaintiff's health and well-being. Some of the effects are permanent and will abide with Plaintiff for a long time in to the future, if not for her entire life. These specific injuries and their ill effects have, in turn, caused Plaintiff's physical and mental conditions to deteriorate generally and the specific injuries and ill effects have caused and will, in all reasonable probability, cause Plaintiff to suffer consequences and ill effects of the deterioration of her body for long in to the future if not for the balance of her natural life. As a result of the nature and consequences of her injury Plaintiff has suffered great physical and mental pain, suffering and anguish and in all reasonable probability, will continue to suffer in this manner for a long time in to the future, if not for the balance of her natural life. By reason of all the above Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court and for which this lawsuit is brought.

14. As a further result of all of the above, Plaintiff has incurred expenses for medical care and attention. These expenses were incurred for the necessary care and treatment of injuries resulting from the incident complained of. The charges are reasonable and were the usual and customary charges made for the services.

15. Plaintiff affirmatively pleads that she seeks monetary relief in the maximum amount allowed by the court excluding costs, pre-judgment interest and attorneys' fees. Plaintiff further seeks mitigated exemplary damages for Defendants' grossly negligent conduct, in an amount not less than three (3) times Plaintiff's actual damages and or in such an amount as may be allowed by law.

16. As a further result of the injuries sustained by Plaintiff, there is reasonable probability that she will require further medical care and attention and will incur future reasonable and necessary expenses for her medical care and attention.

17. Plaintiff further requests both pre-judgment and post-judgment interest on all damages as allowed by law.

VIII.
PREJUDGMENT AND POST-JUDGMENT INTEREST

Plaintiff further requests both pre-judgment and post judgment interest on all his damages as allowed by law.

IX.
JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff hereby makes application for a jury trial and request that this cause be set on the Court's Jury Docket. Plaintiff acknowledges payment this date of the required jury fee.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendant be cited to appear and answer, and on final trial hereafter, the Plaintiff has judgment against the Defendant in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Pre-judgment interest;
12. Post judgment interest;
13. Exemplary damages;
14. Lost wages; and
15. Future loss of earning capacity.

Respectfully submitted,

McCORMICK LAW FIRM
400 SOUTH INDUSTRIAL BLVD., STE 200
EULESS, TX 76040
Telephone: (682) 444-4444
Facsimile: (972) 982-7618

By: /s/ Jose F. Quiles III
Jose F. Quiles III
State Bar No. 24105127
W. Cagney McCormick
State Bar No. 24083473
Email: jquiles@theinjuryattorney.law
ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Nancy Guedea on behalf of Jose Quiles
Bar No. 24105127
NGuedea@theinjuryattorney.law
Envelope ID: 99554067
Filing Code Description: Petition
Filing Description: Plaintiff's Original Petition
Status as of 4/11/2025 10:44 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Fahar Jumma		fjumma@theinjuryattorney.law	4/11/2025 9:38:12 AM	SENT
Nancy Guedea		NGuedea@theinjuryattorney.law	4/11/2025 9:38:12 AM	SENT
Jose Quiles		JQuiles@theinjuryattorney.law	4/11/2025 9:38:12 AM	SENT

Case

Case Number

2025-976-4

Description

Location

McLennan County - District Clerk

Category

Civil - Injury or Damage

Case Type

Premises

Status

Filed Date

No Date Provided

Judge

FILED
2025 APR 11 AM 11:20
JOHN R. SIMBLE
DISTRICT CLERK
MCLENNAN CO. TX.
DEPUTY

M. Guedea

Envelope # 99554067

Submit Date

04/11/2025 9:38 AM CDT

Filing Attorney

Jose Quiles

Filing Source

MyFileRunner

Firm Address

400 South Industrial Blvd.

Eules, Texas 76040

Filer Email

NGuedea@theinjuryattorney.law

Docket Date

04/11/2025 9:38 AM CDT

Filed By

Nancy Guedea

Firm Name

McCormick Law Firm

Firm Phone

682-444-4444

Filer Type

Not Applicable

Existing Parties

2 Parties

Party Type	Party Name	Lead Attorney
Plaintiff	April Oldfield Leggett	Jose Quiles
Defendant	Walmart Stores, Inc	

Filings

1 Filing(s)

Petition

Status

Accepted By Court

Filing Type

EFileAndServe

Reference Number

April Oldfield Leggett/ 24-119020

Filing Description

Plaintiff's Original Petition

Filing Comments

Please email citation to nguedea@theinjuryattorney.law

Filing Courtesy Copies

Review Date
04/11/2025 10:45 AM CDT

Accept Comments

PLEASE NOTE: ISSUANCE FEE WAS REMOVED. YOU NEED TO FILE A WRITTEN REQUEST OF ISSUANCE AND PAY THE \$8 CITATION AND \$6 COPY FEE.

Documents

Component	Document Name	Description	Security	Download Version	Document Size
Lead Document	Plaintiff's Original Petition.pdf	Plaintiffs Original Petition	Contains sensitive data	Original Transmitted	160.59 KB 171.43 KB

Service

No Service

Parties with no Contacts for Service

2 Party(s) without Service

<input type="text" value="Search by Party Name"/>			<input type="button" value="SEARCH"/>	<input type="button" value="RESET"/>
Party Name	Email Address	Address		
Leggett, April Oldfield		1364 E Rocket Rd, Lorena, Texas 76655		
Walmart Stores, Inc		1999 Bryan Street, Suite 900, Dallas, Texas 75201		

Fees

Description of Fees and Amounts

Petition

Filing Fee \$0.00

Filing Total: \$0.00

Total Fees

Total Filing Fees \$0.00

Court Case Fee \$350.00

Payment Service Fee \$10.30

Provider E-File Fee \$6.00

Provider Tax \$0.50

Envelope Total: \$366.80

Payment Information

Payment Account

Bank Of America2

Payment Type

CreditCard

Party Responsible for Fees

April Oldfield Leggett

Order ID

099554067-1

Transaction Amount

\$366.80

Transaction ID

145860291

Transaction Response

Payment Complete

CLOSE



FILED
MCLENNAN COUNTY
4/15/2025 1:56 PM
JON R. GIMBLE
DISTRICT CLERK
Sandra Cote

**JON R. GIMBLE
DISTRICT CLERK**

MCLENNAN COUNTY COURTHOUSE
501 Washington Ave., Suite 300 Annex
WACO, TEXAS 76701
254-757-5057 OR 757-5054

REQUEST FOR ISSUANCE

CAUSE NUMBER: 2025-976-4 DATE: 4/14/2025

PERSON TO BE SERVED: Walmart Stores, Inc

ADDRESS TO SERVE: 1999 Bryan Street, Suite 900, Dallas, Texas 75201

FEES PAID BY: CHECK ☐ CASH ☐ DEBIT ☐ OATH ☒ CREDIT CARD (INCLUDES PROCESSING FEE) ☐

ISSUANCE:

CITATION ☒

TRO ☐

WRIT OF (SPECIFY) ☐

NOTICE OF HEARING/CONTEMPT _____

PROTECTIVE ORDER ☐

OTHER (SPECIFY) _____

SERVICE:

DELIVER TO ATTORNEY jquiles@theinjuryattorney.law

DELIVER TO CONSTABLE _____

DELIVER TO PRIVATE PROCESS SERVER (SPECIFY) _____

DELIVER TO SHERIFF _____

**REQUESTED BY:
(PLEASE PRINT)**

BY Jose F. Quiles III

FIRM McCormick Law Firm

CONTACT NO. 972-445-8383

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Nancy Guedea on behalf of Jose Quiles
Bar No. 24105127
NGuedea@theinjuryattorney.law
Envelope ID: 99693643
Filing Code Description: No Fee Documents
Filing Description: Request for Issuance
Status as of 4/15/2025 2:23 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Guedea		NGuedea@theinjuryattorney.law	4/15/2025 1:56:53 PM	SENT
Fahar Jumma		fjumma@theinjuryattorney.law	4/15/2025 1:56:53 PM	SENT
Jose Quiles		JQuiles@theinjuryattorney.law	4/15/2025 1:56:53 PM	SENT

Case

Case Number

2025-976-4

Description

Location

McLennan County - District Clerk

Category

Civil - Injury or Damage

Case Type

Premises

Status

Filed Date

No Date Provided

Judge

2025 APR 15 AM 9:26
FILED
CLERK OF DISTRICT COURT
MCCORMICK LAW FIRM
NANCY GUEDEA
NANCY.GUEDEA@MCCORMICKLAWFIRM.COM

Nick Price

Envelope # 99693643

Submit Date

04/15/2025 1:56 PM CDT

Filing Attorney

Jose Quiles

Filing Source

Odyssey File & Serve

Firm Address

400 South Industrial Blvd.

Euless, Texas 76040

Filer Email

NGuedea@theinjuryattorney.law

Docket Date

04/15/2025 1:56 PM CDT

Filed By

Nancy Guedea

Firm Name

McCormick Law Firm

Firm Phone

682-444-4444

Filer Type

Not Applicable

Existing Parties

2 Parties

Party Type	Party Name	Lead Attorney
Plaintiff	April Oldfield Leggett	Jose Quiles
Defendant	Walmart Stores, Inc	

Filings

1 Filing(s)

No Fee Documents

Status

Accepted By Court

Filing Type

EFileAndServe

Reference Number

April Leggett/ 24-119020

Filing Description

Request for Issuance

Filing Comments

Filing Courtesy Copies

Review Date
04/15/2025 2:24 PM CDT

Accept Comments
FYI, WE DO NOT EMAIL/ESERVE ISSUANCES, THEY WILL BE MAILED TO YOUR OFFICE.

Documents

Component	Document Name	Description	Security	Download Version	Document Size
Lead Document	Request-for-Issuance.pdf	Request-for-Issuance.pdf	Contains sensitive data	Original	93.16 KB
				Transmitted	150.96 KB

Service

No Service

Parties with no Contacts for Service

2 Party(s) without Service

<input type="text" value="Search by Party Name"/>			<input type="button" value="SEARCH"/>	<input type="button" value="RESET"/>
Party Name	Email Address	Address		
Leggett, April Oldfield		1364 E Rocket Rd, Lorena, Texas 76655		
Walmart Stores, Inc		1999 Bryan Street, Suite 900, Dallas, Texas 75201		

Fees

Description of Fees and Amounts

No Fee Documents

Filing Fee	\$0.00
Issue Citation	\$8.00
Copies - Service (7 x \$1.00)	\$7.00
Filing Total:	\$15.00

Total Fees

Total Filing Fees	\$15.00
Payment Service Fee	\$1.00
Envelope Total:	\$16.00

Payment Information

Payment Account
Bank Of America2
Payment Type
CreditCard
Party Responsible for Fees
April Oldfield Leggett
Order ID
099693643-0
Transaction Amount
\$16.00
Transaction ID
147067412
Transaction Response
Payment Complete

FILED
MCLENNAN COUNTY
4/29/2025 1:52 PM
JON R. GIMBLE
DISTRICT CLERK

Shalakeia Richardson

RETURN OF SERVICE

State of Texas

County of McLennan

170th Judicial District Court

Case Number: 2025-976-4

Plaintiff:

APRIL OLDFIELD LEGGETT

vs.

Defendant:

WALMART STORES, INC.



BBW2025004888-2

Received by Larry Lathan on the 22nd day of April, 2025 at 3:58 pm to be served on **WALMART STORES, INC. BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201.**

I, Larry Lathan, do hereby affirm that on the **25th day of April, 2025 at 2:24 pm, I:**

Served an authorized agent by delivering a true copy of the **CITATION / PLAINTIFF'S ORIGINAL PETITION** with the date and hour of service endorsed thereon by me, to: **George Martinez as Intake Specialist** at the address of: **1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201** on behalf of **WALMART STORES, INC.**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, of sound mind, have no interest in the above action, and I am not a party to the suit. I am an authorized process server, in good standing, in the jurisdiction in which this service was made. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"My name is Larry Lathan, I am at least 18 years old and my address is Work Address Of 1406 W. Salinas

San Antonio, TX 78207, and the United States of America. I declare under penalty of perjury that the foregoing is true and correct. Executed in Dallas County, State of Texas on April 28th, 2025 by Larry Lathan declarant."

Larry Lathan

PSC-10621 Exp.10/31/2025

**Pronto Process
1406 W Salinas
San Antonio, TX 78207
(210) 226-7192**

Our Job Serial Number: BBW-2025004888

CITATION

THE STATE OF TEXAS

PAPER# 1
ATTY.

Cause No: 2025-976-4

TO: WALMART STORES, INC., A FOREIGN CORPORATION, DEFENDANT - BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, SUITE 900, DALLAS, TEXAS 75201

GREETINGS:

YOU ARE HEREBY COMMANDED to appear before the Honorable District Court below, of McLennan County, Texas, at the Courthouse of said County located at 501 Washington Avenue in Waco, Texas, by filing a written answer with the Clerk of the Court, at or before 10 o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation, to the pleading described below, in the cause number described below on the docket of said court, and styled,

COPY

PARTIES TO THIS ACTION ARE:

APRIL OLDFIELD LEGGETT

Plaintiff

VS.

WALMART STORES, INC., A FOREIGN CORPORATION

Defendant

Court: 170TH JUDICIAL DISTRICT

Pleading: PLAINTIFF'S ORIGINAL PETITION

Pleading File Date: APRIL 11, 2025

Cause No: 2025-976-4

NOTICE

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and the above pleading, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Waco, McLennan County, Texas.
Issue Date: APRIL 16, 2025.

JOSE F. QUILES III
400 SOUTH INDUSTRIAL BOULEVARD
SUITE 200
EULESS, TEXAS 76040
Attorney for Plaintiff

Jon R. Gimble, District Clerk
501 Washington Ave., Suite 300 Annex
Waco, McLennan County, Texas 76701

By , Deputy
NIKKI L. PRICE

MM

RETURN OF SERVICE

Style: **APRIL OLDFIELD LEGGETT VS. WALMART STORES, INC., A FOREIGN CORPORATION**

Cause No: **2025-976-4**

Court: **170TH JUDICIAL DISTRICT**

Paper#: **1**

Pleading: **PLAINTIFF'S ORIGINAL PETITION**

Came to hand on the _____ day of _____, 20____ at _____ o'clock ____ M. and executed on the _____ day of _____, 20____ by delivering to the party designated in the citation, to-wit:

at _____ o'clock ____ M; in person, a true copy of this citation with a true and correct copy of the pleading attached thereto, having first endorsed on such copy of said citation the date of delivery.

FEES: Serving one (1) copy

Total \$ _____ **NO SHERIFF OR CONSTABLE
FEES COLLECTED**

_____ County, Texas

By _____

NOT EXECUTED FOR THE FOLLOWING REASONS _____

and having attempted on _____

"My name is _____ (First) _____ (Middle) _____ (Last), my date of birth is _____, and my address is _____

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____ (Month) _____ (Year)

_____ (Signature) Declarant"

CAUSE NO. 2025-976-4

APRIL OLDFIELD LEGGETT	§	IN THE DISTRICT COURT
VS.	§	McLENNAN COUNTY, TEXAS
WALMART STORES, INC.	§	170 TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Wal-Mart Stores Texas, LLC (improperly named as Walmart Stores, Inc.), Defendant in the above-referenced cause, and files this its Original Answer and respectfully shows the Court the following:

**I.
GENERAL DENIAL**

Defendant generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof by preponderance of the credible evidence.

**II.
AFFIRMATIVE DEFENSES, INFERENTIAL REBUTTALS,
AND OTHER DEFENSIVE MATTERS**

Defendant alleges that the incident the subject of this lawsuit was an unavoidable accident, sudden emergency, and was not proximately caused by the acts or omissions of any party.

Defendant may contend that fault should be apportioned among the parties as determined by the finder of fact and hereby invokes all rights and remedies contained in Chapter 33 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

Defendant cannot be held to answer for exemplary damages for the acts or omissions of any employee or agent.

Pleading further, in the event Defendant is found liable for exemplary damages, and in the event a verdict is returned against them, Defendant affirmatively alleges that any such liability it

may have is limited as set forth in the applicable provisions of Chapter 41, TEXAS CIVIL PRACTICE & REMEDIES CODE.

In the unlikely event that Plaintiff obtains a judgment for punitive damages, Defendant would show that its liability is limited by the provisions of Chapter 41 of the Texas Civil Practice and Remedies Code; and any award of punitive damages is barred to the extent that it is inconsistent with the standards and limitations set forth in *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996), and *State Farm Mutual Automobile Ins. Co. v. Campbell*, 123 S. Ct. 1513 (2003).

Consideration of any punitive damages in this civil action violates the due process clauses of the Fifth and Fourteenth Amendments of the United States Constitution.

An award of punitive damages, if allowed, is a punishment and a quasi-criminal sanction for which Defendants are not afforded the specific procedural safeguards prescribed by the Fourth, Fifth and Sixth Amendments of the United States Constitution.

An award of punitive damages, if allowed, would also violate Article 1, Sections 3, 13, and 19 of the Texas Constitution.

Defendant would show that any award of pre-judgment interest on future damages would deprive Defendant of its property and rights without due process and course of law, and would further constitute an excessive and unreasonable fine or penalty prohibited by the Texas and United States Constitutions. Defendant further pleads that Plaintiff's claims for pre-judgment interest are limited by the dates and amounts set forth in: Chapter 304, TEXAS FINANCE CODE; and Chapter 41, TEXAS CIVIL PRACTICE & REMEDIES CODE.

Defendant invokes its right to have evidence regarding lost wages, loss of earning capacity, loss of pecuniary value or loss of inheritance limited pursuant to TEXAS CIVIL PRACTICE &

REMEDIES CODE § 18.091. Further, Defendant reserves its right to have the jury instructed whether such damages are subject to federal or state income tax.

Defendant invokes its right to have evidence regarding the amount billed and/or written off for medical expenses excluded pursuant to TEXAS CIVIL PRACTICE CODE § 41.0105.

III.
RULE 193.7 NOTICE

Pursuant to Texas Rules of Civil Procedure 193.7, Defendant provides notice that it intends to use Plaintiff's production of all documents, tangible things and discovery items produced in response to discovery in any pre-trial proceeding or at trial.

IV.
JURY DEMAND

Defendant further demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit, that Defendant recover its costs, and for such other and further relief to which Defendant may be justly entitled at law or in equity.

Respectfully submitted,

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
214.220.5210
214.220.5299 Fax

By: /s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE
Texas Bar No. 24036793
sbruce@cobbmartinez.com
WILLIAM THOMAS CRONIN
Texas Bar No. 24140482
wcronin@cobbmartinez.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to the following counsel of record either by telefax, certified mail, return receipt requested, e-mail and/or regular U.S. mail on this 16th day of May, 2025.

Jose E. Quiles III
W. Cagney McCormick
McCormick Law Firm
400 S. Industrial Blvd., Suite 200
Euless, TX 76040

/s/ Stacy Hoffman Bruce
STACY HOFFMAN BRUCE

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Missy Ramirez on behalf of Stacy Bruce
Bar No. 24036793
mramirez@cobbmartinez.com
Envelope ID: 100921281
Filing Code Description: Answer/Response
Filing Description: Defendant's Original Answer
Status as of 5/16/2025 10:49 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Guedea		NGuedea@theinjuryattorney.law	5/16/2025 10:14:49 AM	SENT
Fahar Jumma		fjumma@theinjuryattorney.law	5/16/2025 10:14:49 AM	SENT
Jose Quiles		JQuiles@theinjuryattorney.law	5/16/2025 10:14:49 AM	SENT
Ashley McKethan		amckethan@cobbmartinez.com	5/16/2025 10:14:49 AM	SENT
Will Cronin		wcronin@cobbmartinez.com	5/16/2025 10:14:49 AM	SENT
Stacy H.Bruce		sbruce@cobbmartinez.com	5/16/2025 10:14:49 AM	SENT
Missy Ramirez		mramirez@cobbmartinez.com	5/16/2025 10:14:49 AM	SENT

Case

Case Number

2025-976-4

Description

Location

McLennan County - District Clerk

Category

Civil - Injury or Damage

Case Type

Premises

Status

Filed Date

No Date Provided

Judge

FILED

2025 MAY 16 PM 12:56

JON R. GIMBLE
DISTRICT CLERK
MCLENNAN CO., TX
DEPUTY

Envelope # 100921281

Submit Date

05/16/2025 10:14 AM CDT

Filing Attorney

Stacy H. Bruce

Filing Source

OFS EFSP Filing Interface

Firm Address

1700 Pacific Avenue

Suite 3100

Dallas, Texas 75201

Filer Email

mramirez@cobbmartinez.com

Docket Date

05/16/2025 10:14 AM CDT

Filed By

Missy Ramirez

Firm Name

Cobb Martinez Woodward PLLC

Firm Phone

(214) 220-5200

Filer Type

Not Applicable

Existing Parties

2 Parties

Party Type

Party Name

Lead Attorney

Plaintiff

April Oldfield Leggett

Jose Quiles

Defendant

Walmart Stores, Inc

Stacy H. Bruce

Filings

1 Filing(s)

Answer/Response

Status

Accepted By Court

Filing Type

EFileAndServe

Reference Number

6309.01068

Filing Description

Defendant's Original Answer

Filing Comments

Filing Courtesy Copies

Review Date
05/16/2025 10:49 AM CDT

Accept Comments

PLEASE NOTE: THERE IS A \$10 FEE FOR JURY DEMAND, PLEASE PAY AT YOUR EARLIEST CONVENIENCE

Documents

Component	Document Name	Description	Security	Download Version	Document Size
Lead Document	Leggett-D's Original Answer.pdf	Leggett-D's Original Answer.pdf	Does not contain sensitive data	Original Transmitted	153.78 KB 243.53 KB

Service

1 Party(s) with Service

<input type="text" value="Search by Party Name"/>	<input type="text" value="Search by Service Contact"/>	<input type="button" value="SEARCH"/>	<input type="button" value="RESET"/>
Walmart Stores, Inc		▼ 4 Service Contact(s)	

Parties with no Contacts for Service

1 Party(s) without Service

<input type="text" value="Search by Party Name"/>	<input type="button" value="SEARCH"/>	<input type="button" value="RESET"/>
Party Name	Email Address	Address
Leggett, April Oldfield		1364 E Rocket Rd, Lorena, Texas 76655

Fees

Description of Fees and Amounts

Answer/Response

Filing Fee	\$0.00
Total Fees	Filing Total: \$0.00
Total Filing Fees	\$0.00
	Envelope Total: \$0.00

Payment Information

Payment Account

CMW

Payment Type

CreditCard

Party Responsible for Fees

Walmart Stores, Inc

Transaction ID

148931639

Transaction Response

Approved